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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,579	03/18/2004	Guanwoo Yoon	238 RK 001	6138

42173 7590 07/25/2006

LAW OFFICE OF RICHARD B. KLAR
28 East Old Country Road
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EXAMINER

VAN, QUANG T

ART UNIT	PAPER NUMBER
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3742

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/803,579	YOON, GUANWOO	
	Examiner	Art Unit	
	Quang T. Van	3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6,9-14,16 and 18-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6,9-14,16,18-21,23,24,26,27 and 29 is/are rejected.
- 7) ☒ Claim(s) 22,25 and 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

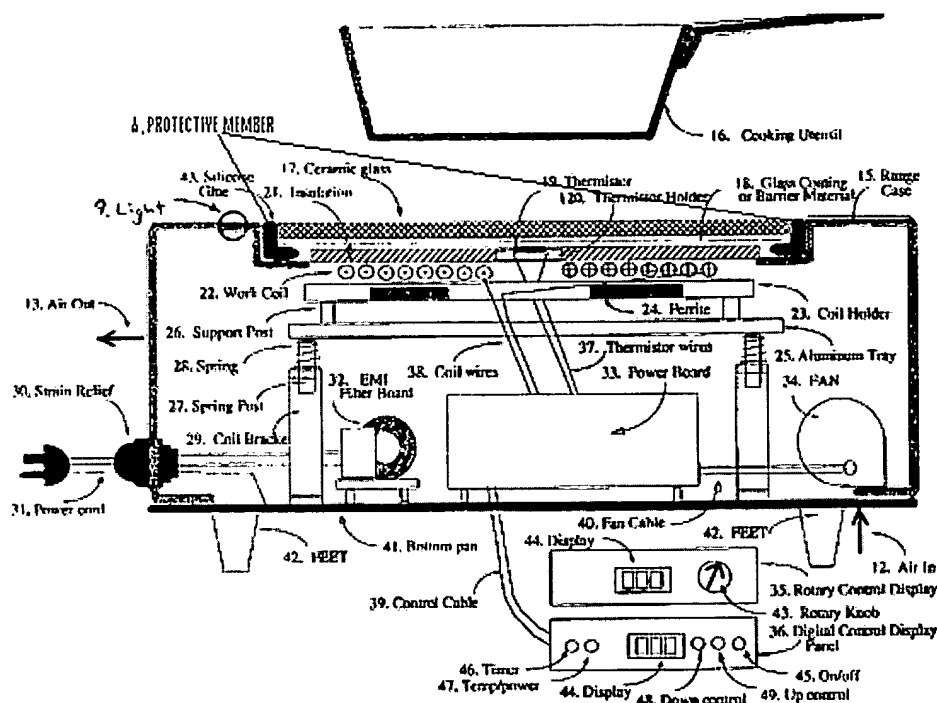
1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnett (US 3,270,736) in view of Kim (US 6,369,372). Barnett discloses a cooking oven having a decorative ceramic element (15) includes one attached to one of either a front exterior surface or a top an exterior surface of the oven (col. 2, lines 3-5). However, Barnett does not disclose the cooking oven being a microwave oven. Kim discloses a cooking oven being a microwave oven. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Barnett a cooking oven being a microwave oven as taught by Kim in order to matches a décor of a kitchen and make the appliance easy to clean, and improve the electrical and thermal insulation of the microwave oven. With regard to "or more variably sized and shaped decorative ceramic strips to be affixed on to different locations of at least one exterior surface of said microwave oven", or claim 23 "said at least one is said top exterior surface of said microwave oven". It would have been obvious to one having ordinary skill in the art at the time the invention was made to cut to plurality of variables sized and shaped in order to insulate and to decorate by affixing onto different areas of said at least one exterior surface of said microwave oven.

3. Claims 3-4, 6, 10-14, 16, 18-20, 24, 26-27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnett (US 3,270,736) in view of Kim (US 6,369,372) and further in view of Glover et al (US 6,180,196). Barnett/Kim disclose substantially all features of the claimed invention except said bonding means is a doubled sided adhesive sticky tape. Glover discloses a bonding means (41,42) is a doubled sided adhesive sticky tape (col. 4, lines 12-13). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Barnett/Kim a bonding means is a doubled sided adhesive sticky tape as taught by Glover in order to bond the mounting object to mounting place. With regard to claims 26 and 29, "said at least one is said top exterior surface of said microwave oven". It would have been obvious to one having ordinary skill in the art at the time the invention was made to cut to plurality of variables sized and shaped in order to insulate and to decorate by affixing onto different areas of said exterior surface of said microwave oven.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barnett (US 3,270,736) in view of Kim (US 6,369,372) and further in view of Bassill et al (US 6,630,650). Barnett/Kim disclose substantially all features of the claimed invention except a pair of protective members, which wrap along edges of the at least decorative element. Bassill discloses a pair of protective members (A, figure below), which wrap along edges of the at least decorative element (17). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Barnett/Kim a pair of protective members which wrap along edges of the at least decorative element as taught by Bassill in order to protect the decorative element.



5. Claims 22, 25 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not show or suggest said decorative element is configured to be affixed over an entire keypad of said microwave oven and said strip has openings within said strip to allow a user to access said keypad of said microwave oven as recited in claims 22, 25, and 28.

Response to Amendment

7. Applicant's arguments filed 6/05/06 have been fully considered but they are not persuasive.

Applicant argues that "one skilled in the art would not have considered the proposed combination. The patent to Barnett discloses a built in oven addressing the concern of having an effective heat vapor detector and providing heat insulating panel 15 so that the "the surfaces of the trim members next adjacent the surrounding wall surfaces do not become heated enough to scorch or otherwise mar such wall surfaces" (see patent to Barnett Col.1, lines 19-23 and 24-28). The patent to Kim discloses a wall mounted microwave oven having a plurality of inlet ports allowing steam and smoke generated during cooking with a gas range to flow into the microwave oven (see patent to Kim Col. 3, lines 19-26). Thus one skilled in the art would not have considered combining Barnett with Kim and in fact the references teachings are 180 degrees away from one another", recited in REMARKS, page 8, lines 4-14. The Examiner disagrees. Barnett discloses a cooking oven having a decorative ceramic element (15) includes one attached to one of either a front exterior surface or a top an exterior surface of the oven (col. 2, lines 3-5). However, Barnett does not disclose the cooking oven being a microwave oven. Kim discloses a cooking oven being a microwave oven. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Barnett a cooking oven being a microwave oven as taught by Kim in order to matches a décor of a kitchen and make the appliance easy to clean, and improve the electrical and thermal insulation of the microwave oven. Kim's reference is only cited for the teaching of a cooking oven being a microwave oven, others structures are already disclosed by Barnett's reference. Further, Barnett and Kim are combinable, because they are both ovens use for heating food; therefore, they are considered in

related technical field, and one ordinary skill in the art would looking to these for combinable.

Applicant argues "that the insulative panel of Barnett does not disclose or suggest a strip as recited in the claimed invention", recited in REMARKS, page 8, lines 18-19. The Examiner disagrees. In Barnett's reference, the heat insulative panel 15 is actually being a decorative ceramic strip (figures 1-2). There is no different between the decorative ceramic strip of Barnett and the strip of the present invention and they both also provide the same decorative purpose.

Applicant also argues without citing a prior art reference is improper hindsight reconstruction of the claimed invention. The Examiner disagrees. The Examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But as long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. *In re McLaughlin*, 443 F.2d 1392; 170 USPQ 209 (CCPA 1971).

Applicant further argues that the patent to Bassill relates to a cooking service in which a ceramic surface is monitored for heating. The ceramic surface is not intended to decorate or insulate a microwave oven's exterior surface. Barnett/Kim disclose substantially all features of the claimed invention except a pair of protective members. Bassill 's reference is only cited for a pair of protective members and they are

combinable because they are all ovens use for heating food; therefore, they are considered in related technical field, and one ordinary skill in the art would looking to these for combinable.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang T. Van whose telephone number is 571-272-4789. The examiner can normally be reached on 8:00Am 7:00Pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3742

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

QV

QV
July 17, 2006



Quang T Van
Primary Examiner
Art Unit 3742